

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY MARANO COMPANY

Plaintiff

v.

MS-GRAND BRIDGEVIEW, INC.,
an Illinois corporation, d/b/a
MELROSE FRESH MARKET,
PETER LIMPERIS, and MAKIS LIMPERIS

Defendants

Case No. 08CV4244
Judge Zagel
Magistrate Judge Brown

JACK TUCHTEN WHOLESALE PRODUCE, INC.

Intervening Plaintiff

v.

MS-GRAND BRIDGEVIEW, INC.,
an Illinois corporation, d/b/a
MELROSE FRESH MARKET,
PETER LIMPERIS, and MAKIS LIMPERIS

Defendants.

**AFFIDAVIT OF DAWN E. ARKIN IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION ORDER**

STATE OF ILLINOIS

:

COUNTY OF COOK

:

Dawn E. Arkin, being duly sworn, deposes and says:

1. I am the president of Jack Tuchten Wholesale Produce, Inc.
("Tuchten").
2. I make this Affidavit in Support of Intervening Plaintiff's Motion for

Preliminary Injunction Order. I am personally familiar with all matters which are the subject of this proceeding and the facts set forth in this affidavit are within my personal knowledge. If called upon as a witness, I would and could competently testify to all facts stated in this affidavit.

3. Tuchten is in the business of shipping and selling wholesale quantities of perishable agricultural commodities (hereafter "produce") throughout the wholesale, retail and food service markets. Tuchten is a produce dealer subject to and licensed under the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. §499a *et. seq.* (hereafter "PACA"). With specific reference to the perishable agricultural commodities that are the subject of the PACA trust claim of Tuchten against defendants, those commodities were grown, shipped and moved in or in anticipation of interstate commerce.

4. MS-Grand Bridgeview, Inc. d/b/a Melrose Fresh Market ("Melrose") purchases wholesale quantities of produce and resells these commodities. Melrose is a produce dealer subject to license under PACA as a dealer.

5. Upon information and belief, Melrose is owned and controlled by defendants, Peter Limperis and Makis Limperis, who handle the finances and sign checks for the corporate defendant.

6. The sales and accounts receivable records of Tuchten, including, but not limited to, invoices and account statements, are made in the ordinary course of business and are made at or near the time of the occurrence of the event of which they are a record. These business records are made by me or under my direction and supervision by employees whose duty it is to prepare

such documents.

7. My responsibilities include monitoring the sale of perishable agricultural commodities, including those sales that are the subject of this dispute. My responsibilities also include supervising collection of the accounts receivable for such sales, including the account of Melrose, which is the subject of the present motion. I have custody and control of the sales and accounts receivable records of Tuchten as they relate to Melrose, and I am thoroughly familiar with the manner in which those records are compiled.

8. Between June 1, 2008 and June 28, 2008, Tuchten sold and delivered to Melrose, in interstate commerce, wholesale amounts of produce items worth \$28,414.50, which remains unpaid. Attached as Exhibit 1 is a true and correct copy of an itemized statement of account summarizing the invoices for produce sold to Melrose as described in this Affidavit, along with copies of the invoices delivered to Melrose, all of which contain the PACA trust language required by 7 U.S.C. §499e(c)(4).

9. Tuchten's salesman, Zarko Ivetic, under my supervision, has talked to Paul Brizilakis, purchasing agent for Defendant, about the outstanding account of Melrose, with the most recent conversation occurring last week. Mr. Ivetic is submitting his own affidavit in support of Tuchten's Motion for Preliminary Injunction regarding this conversation. It is my understanding that Defendant does not dispute the amount due and owing to Tuchten from Defendant Melrose, but advised that Melrose is experiencing severe cash flow problems and cannot pay the balance due to Tuchten.

10. I am aware that Defendants have failed to pay similarly situated

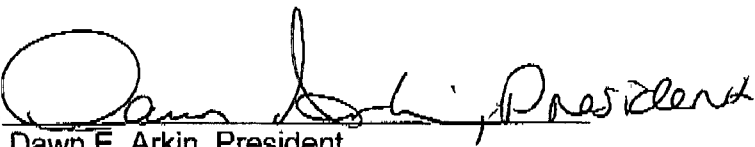
creditors. Defendants' failure, refusal and inability to pay, indicates that defendants are failing to maintain sufficient assets in the statutory trust to pay Tuchten and are dissipating trust assets.

11. There is currently due and owing to Tuchten from defendants the amount of \$28,414.50, plus contract interest and reasonable attorney's fees.

I declare the above statements to be true and correct under penalty of perjury as set forth in 28 U.S.C. §1746 and the laws of the State of Illinois.

Executed this 3rd day of September, 2008 at

Chicago, Illinois.

By:  President
Dawn E. Arkin, President
Jack Tuchten Wholesale Produce, Inc.

Page: 1

Date: 08/04/08 at 2:40 PM

JACK TUCHTEN WHOLESALE PRODUCE, INC
Age Analysis - Outstanding
for Customer = MSG
Aged as of 08/04/08

Invoice#	Order#	Ord Dte	Slsm	Inv Dte	Invoice Amt	Paid Amt	Adjust Amt	Balance	Paid Dte	Days
MSG	MS-GRAND BRIDGEVIEW INC.				708/398-6320	BRIDGEVIEW IL		Cr Limit: 1000		
131114	131114	06/01/08	TS	06/01/08	1576.00			1576.00		64 ###
131115	131115	06/01/08	TS	06/01/08	132.00			132.00		64 ###
131312	131312	06/02/08	ZI	06/02/08	436.00			436.00		63 ###
131684	131684	06/03/08	ZI	06/03/08	1815.00			1815.00		62 ###
132286	132286	06/04/08	P	06/05/08	990.00			990.00		60 ###
132491	132491	06/05/08	ZI	06/05/08	75.00			75.00		60 ###
133024	133024	06/06/08	ZI	06/06/08	2022.50			2022.50		59 ###
133331	133331	06/07/08	ZI	06/07/08	783.00			783.00		58 ###
133389	133389	06/07/08	ZI	06/07/08	870.00			870.00		58 ###
134183	134183	06/10/08	MC	06/10/08	722.50			722.50		55 ###
134199	134199	06/10/08	MC	06/10/08	640.00			640.00		55 ###
134215	134215	06/10/08	ZI	06/10/08	2172.00			2172.00		55 ###
135882	135882	06/14/08	ZI	06/14/08	2558.50			2558.50		51 ###
136131	136131	06/15/08	TS	06/15/08	1615.00			1615.00		50 ###
136140	136140	06/15/08	TS	06/15/08	1715.00			1715.00		50 ###
136417	136417	06/16/08	ZI	06/16/08	947.50			947.50		49 ###
136931	136931	06/17/08	ZI	06/17/08	434.00			434.00		48 ###
136988	136988	06/17/08	ZI	06/17/08	1848.00			1848.00		48 ###
138629	138629	06/21/08	ZI	06/21/08	1472.50			1472.50		44 ##
138844	138844	06/22/08	GH	06/22/08	690.00			690.00		43 ##
139031	139031	06/23/08	ZI	06/23/08	1210.50			1210.50		42 ##
139035	139035	06/23/08	ZI	06/23/08	120.00			120.00		42 ##
139433	139433	06/24/08	ZI	06/24/08	1909.50			1909.50		41 ##
140155	140155	06/26/08	GH	06/26/08	1330.00			1330.00		39 ##
141049	141049	06/28/08	ZI	06/28/08	330.00			330.00		37 ##
MS-GRAND BRIDGEVIEW INC. Totals:					28414.50			28414.50		
					Totals:	0.00	0.0 %	0 - 15		
						0.00	0.0 %	16 - 30	#	
						7062.50	24.9 %	31 - 45	##	
						21352.00	75.1 %	46 - Ovr	###	
					Aged Total:	28414.50				
					Total Credits:	0.00				
					Grand Total:	28414.50				



JACK TUCHTEN
 WHOLESALE PRODUCE, INC.
 Chicago International Produce Market

Salesmn: TS

Date: 06/01/08

 2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
 PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 131114

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
216		STRAWBERRY, CLAMSHELL CA CAL-FRUIT	6.00	1296.00
56		ROMAINE HEARTS, 12/3 ADAM BROS	5.00	280.00

Page 1 of 1

Total 1576.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: TS

Date: 06/01/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 131115

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
8		APRICOT TRAY PACK, 64 Z&S	12.00	96.00
3		APRICOT TRAY PACK, 72 Z&S	12.00	36.00

Page 1 of 1

Total 132.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/02/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 131312

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
7		D' ANJOU, RED 70 DOVEX	15.00	105.00
7		D'ANJOU, 70 DOVEX	28.00	196.00
10		KIWI, VOLUME FILL 39 DEL MONTE	13.50	135.00

Page 1 of 1

Total 436.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/03/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 131684

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
85		RED, GRAPE FLAME DEL-MONTE	15.00	1275.00
10		D'ANJOU, 70 DOVEX	28.00	280.00
20		CUCUMBER SEEDLESS, 12	13.00	260.00

7

Page 1 of 1

Total 1815.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: P

Date: 06/05/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 132286

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
6		CANTALOUPE, LARGE (BIN)	165.00	990.00

Page 1 of 1

Total

990.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/05/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 132491

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
5		D' ANJOU, RED 70 DOVEX	15.00	75.00

Page 1 of 1

Total 75.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/06/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 133024

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
20		BEAN, GREEN	17.50	350.00
35		ROMAINE, 24 FOXY	13.50	472.50
80		NECTARINE, VOLUME FILL 64 TOP SHELF	15.00	1200.00

Page 1 of 1

Total

2022.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/07/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 133331

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
42		CANTALOUPE, 9 SIZE JUMBO BIG A	11.50	483.00
20		HONEYDEW, 6 SIZE DEL-MONTE	7.50	150.00
10		D' ANJOU, RED 70 DOVEX	15.00	150.00

Page 1 of 1

Total

783.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/07/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 133389

MS-GRAND-BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
60		EGGPLANT, FANCY	14.50	870.00

Page 1 of 1

Total

870.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.



JACK TUCHTEN
 WHOLESALE PRODUCE, INC.
 Chicago International Produce Market

Salesmn: MC

Date: 06/10/08

 2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
 PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 134183

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
85		BASKET FLOWERS, REGULAR	8.50	722.50

Page 1 of 1

Total 722.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: MC

Date: 06/10/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 134199

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
40		FLATS, ITALIAN BASIL (15/FLAT)	16.00	640.00

Page 1 of 1

Total 640.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.



JACK TUCHTEN
 WHOLESALE PRODUCE, INC.
 Chicago International Produce Market

Salesmn: ZI

Date: 06/10/08

 2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
 PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 134215

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
96		GREEN, GRAPE PERLETTE OPPENHEIMR	12.00	1152.00
85		RED, GRAPE FLAME DEL-MONTE	12.00	1020.00

Page 1 of 1

Total 2172.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/14/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 135882

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
10		D'ANJOU, 70 DOVEX	28.00	280.00
85		RED, GRAPE FLAME LUZ ELENA	12.00	1020.00
96		GREEN, GRAPE PERLETTE OPPENHEIME	11.00	1056.00
15		ROMAINE, 24 FOXY	13.50	202.50

Page 1 of 1

Total 2558.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: TS

Date: 06/15/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 136131

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
34		RED, GRAPE FLAME LUZ ELENA	12.00	408.00
51		RED, GRAPE FLAME LUZ ELENA	12.00	612.00
64		STRAWBERRY, CLAMSHELL CA SEA BREEZE	7.50	480.00
10		CANTALOUPE, 9 SIZE NIKI	11.50	115.00

Page 1 of 1

Total

1615.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: TS

Date: 06/15/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 136140

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
216		STRAWBERRY, CLAMSHELL CA RED BLOSSO	5.00	1080.00
20		LETTUCE CELLO, 24 KINGSIZE	19.00	380.00
15		GRAPEFRUIT, STAR RUBY 36 RIVERSIDE	17.00	255.00

Page 1 of 1

Total

1715.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/16/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 136417-A

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
5		ROMAINE, 24 FOXY	13.50	67.50
15		LIME 230 CHELY	8.00	120.00
15		GRAPEFRUIT, WHITE, 36 RIVERSIDE	17.00	255.00
10		ASPARAGUS, 28# STANDARD DOLE	41.00	410.00
4		CANTALOUPE, TUSCAN DULCINEA	7.50	30.00
10		WATERMELON, BABY DULCINEA	6.50	65.00

Page 1 of 1

Total

947.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/17/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 136931

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
70		HONEYDEW, 6 SIZE	6.00	420.00
		BURNAND		
1		MUSHROOM, BABY BELLA	14.00	14.00

Page 1 of 1

Total 434.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.



JACK TUCHTEN
 WHOLESALE PRODUCE, INC.
 Chicago International Produce Market

Salesmn: ZI

Date: 06/17/08

 2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
 PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 136988

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
88		CHERRY, BING 11.5 ROW FARMINGTON	21.00	1848.00

Page 1 of 1

Total 1848.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.



JACK TUCHTEN
WHOLESALE PRODUCE, INC.
Chicago International Produce Market

Salesmn: ZI

Date: 06/21/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 138629

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
10		LIME 230	8.00	80.00
		CHELY		
13		GALA, 110	37.50	487.50
50		RED, GRAPE FLAME	11.50	575.00
		DEL-MONTE		
10		CELERY, SLEEVED 24	18.00	180.00
		BLACK BOX		
10		EGGPLANT, FANCY	15.00	150.00
		WISNATZKI		

Page 1 of 1

Total 1472.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.



JACK TUCHTEN
 WHOLESale PRODUCE, INC.
 Chicago International Produce Market

Salesmn: GH

Date: 06/22/08

 2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
 PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 138844

MS-GRAND-BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
20		LEMON, 235CT PREMIER	21.00	420.00
20		BLACK, PLUM 70 Z&S	13.50	270.00

Page 1 of 1

Total 690.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/23/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 139031

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
25		PLUOT 50 CALIFORNIA	19.00	475.00
5		LEMON, 95 PREMIER	40.00	200.00
15		PINEAPPLE 6 CHIQUITA	12.00	180.00
20		LIME 230 CHELY	8.00	160.00
1		DILL, 24 BUNCH	18.00	18.00
5		ONION GREEN, JUMBO OMO	10.50	52.50
5		POTATO WHITE, A	25.00	125.00

Page 1 of 1

Total 1210.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.



JACK TUCHTEN

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/23/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 139035

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
5		TOMATO GRAPE, 12/1 PINT DEWITT	24.00	120.00

Jack Tuchten

Page 1 of 1

Total

120.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/24/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 139433

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
4		RED LEAF TOPLESS	12.50	50.00
1		ESCAROLE WESTERN EX	15.00	15.00
2		ENDIVE TOPLESS	15.00	30.00
2		ANISE BONIPAK	17.50	35.00
5		CARROTS, CELLO CALIFORNIA	17.50	87.50
10		CAULIFLOWER, 9 FOXY	13.00	130.00
20		ZUCCHINI, FANCY PACIFIC CO	12.00	240.00
15		EGGPLANT, FANCY DEWITT	15.00	225.00
20		LEMON, 235CT PREMIER	21.00	420.00
5		PACKHAM, 70	29.00	145.00
56		CANTALOUPE, 12 SIZE AMARAL	9.50	532.00

Page 1 of 1

Total

1909.50

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: GH

Date: 06/26/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 140155

MS-GRAND BRIDGEVIEW

DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
15		LETTUCE CELLO, 24 GREENGIANT	14.00	210.00
10		ORANGE FL, VALENCIA 125 RIVER PRID	16.00	160.00
80		PEACH, VOLUME FILL 72 Z&S	12.00	960.00

Page 1 of 1

Total

1330.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.

**JACK TUCHTEN**

WHOLESALE PRODUCE, INC.

Chicago International Produce Market

Salesmn: ZI

Date: 06/28/08

2404 South Wolcott, Unit 31 • Chicago, Illinois 60608
PHONE: 312/226-4536 FAX: 312/226-7796

Invoice: 141049-A

MS-GRAND BRIDGEVIEW DBA MELROSE FRESH MARKET 10280 S.

Quantity	UM	Description	Price	Amount
5		CELERY, SLEEVED 30	22.00	110.00
		DOLE		
20		PINEAPPLE 8	11.00	220.00
		CHIQUITA		

Page 1 of 1

Total 330.00

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest at 1.5% per month added to unpaid balance. Interest and attorney's fees necessary to collect any balance due hereunder shall be considered sums owing in connection with this transaction under the PACA trust.

All claims of whatever nature must be made immediately upon receipt of goods. Purchaser must assume all risk.